


<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	<p>SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS</p>		<p>NUMBER: 402.0</p>
	<p>EFFECTIVE DATE: May 3, 2018</p>	<p>REVIEW: April 2022</p>	
	<p>TOPIC: PURPOSE AND POLICY</p>		
<p>RESPONSIBLE ENTITY: MEDIA RELATIONS BUREAU</p>			
<p>ACCREDITATION STANDARDS</p>	<p>CALEA: 82.1.1</p>		<p><input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: GO 401.1 <input type="checkbox"/> Revised</p>
	<p>VLEPSC: ADM.25.03</p>		


I. PURPOSE

The purpose of this policy is to establish guidelines for the release of information, records and documents to the community about criminal activity, traffic, public safety and public interest events and about the performance of the Fairfax County Police Department.

II. POLICY


It is the policy of the Fairfax County Police Department to embrace openness and transparency as core principles and commit to a predisposition to disclose information in a timely manner. These principles and commitments underpin our ability to be held accountable and to sustain community trust and confidence in the performance of our critical mission. Keeping the community informed with openness, transparency and in the spirit of maximum disclosure with minimum delay will be balanced against the need to protect public safety, due process, law enforcement and criminal investigation and prosecution requirements. Finally, the Department complies with the Virginia Freedom of Information Act.

The Chief of Police, or their designee, will be the spokesperson for all critical events, newsworthy events, or other public interest events, as determined by the Fairfax County Police Department. The Chief of Police may release, within established law, any public records and documents (includes videos, recordings, and photographs) relating to critical events, newsworthy events, or other public interest events when their release will no longer compromise a criminal or administrative investigation.

<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	<p>SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS</p>		<p>NUMBER: 402.1</p>
	<p>EFFECTIVE DATE: May 3, 2018</p>	<p>REVIEW: April 2022</p>	
	<p>TOPIC: DEFINITIONS</p>		
<p>RESPONSIBLE ENTITY: MEDIA RELATIONS BUREAU</p>			
<p>ACCREDITATION STANDARDS</p>	<p>CALEA: 82.1.1</p>		<p><input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: GO 401.1 <input type="checkbox"/> Revised</p>
	<p>VLEPSC: ADM.22.03, ADM.25.03</p>		


I. DEFINITIONS

- A. Information: Specific content contained within Fairfax County Police Department's records and documents, subject to public release.
- B. Information Releasing Authority: Personnel authorized by the Chief of Police to release official departmental information to the community without prior approval. The Media Relations Bureau, Chief of Police, and the Deputy Chiefs of Police, or their designees, are the primary information releasing authorities.
- C. Personnel Information: Internal or otherwise private information regarding an employee of the Fairfax County Police Department, such as home address, telephone number, disciplinary actions, performance, age, date of birth, and other information not releasable by either Department policy or established law.
- D. Police-Affiliated Critical Incident: Any sudden, powerful and often traumatic event in which a person suffers a serious injury or death during their contact with an officer and the officer's actions may be subject to criminal liability or a criminal investigation. This can include, but is not limited to, the deployment of deadly force, less-lethal force, Precision Immobilization Technique, vehicle pursuits, cruiser crashes, in-custody deaths or any other intentional or unintentional action that results in serious injury or death of a person.
- E. Records and Documents: All writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or

FAIRFAX COUNTY POLICE DEPARTMENT	SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS	NUMBER: 402.1
 GENERAL ORDER	TOPIC: DEFINITIONS	


characteristics, prepared or owned by, or in the possession of the Fairfax County Police Department or its officers, employees or agents in the transaction of public business. Records that are not prepared for or used in the transaction of public business are not public records.

- F. Virginia Freedom of Information Act: The Virginia state code sections found at Va. Code Ann. § 2.2-3700, *et seq*, that governs the rights of citizens of the Commonwealth of Virginia, and the representatives of media that circulate or broadcast into the Commonwealth, the right to access public records and documents in the custody of the Fairfax County Police Department or its officers and employees.

<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	<p>SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS</p>		<p>NUMBER: 402.2</p>
	<p>EFFECTIVE DATE: May 3, 2018</p>	<p>REVIEW: April 2022</p>	
	<p>TOPIC: RELEASE OF INFORMATION</p>		
<p>RESPONSIBLE ENTITY: MEDIA RELATIONS BUREAU</p>			
<p>ACCREDITATION STANDARDS</p>	<p>CALEA: 54.1.1</p>		<p><input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: GO 401.1 <input type="checkbox"/> Revised</p>
	<p>VLEPSC: ADM.22.01, ADM.22.03</p>		

I. RELEASE OF INFORMATION


- A. Media Relations Bureau (MRB) is the primary entity, authorized by the Chief of Police, responsible for releasing information to the general public via news conferences, social media platforms, and news releases.
- B. Employees should engage with community members and provide information the community members seek. Employees may release information regarding activities exclusively within their geographical or operational purview and are encouraged to speak broadly about criminal investigations, subject to the need to protect specific information and facts that could potentially compromise the criminal investigation.
- C. Any Fairfax County Police Department employee receiving media inquiries shall either consult with MRB prior to releasing information requested or refer the requester to MRB.
- D. Employees should work cooperatively to solve community issues by sharing information (in accordance with this general order and General Order 402.5, Information, Records and Documents Prohibited from Public Release) with entities, businesses, or other organizations, including, but not limited to, the Fairfax County Housing Authority, the Fairfax County Department of Consumer Affairs, and apartment complex management.
- E. In adult death investigations, the MRB will be responsible for publicly releasing the decedent's identity (see SOP 16-052, Next of Kin Notification for more information).

<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	<p>SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS</p>	<p>NUMBER: 402.2</p>
	<p>TOPIC: RELEASE OF INFORMATION</p>	

F. Provided the information does not conflict with General Order 402.5, Information Records and Documents Prohibited from Public Release, the following crime-related information should be made available to the public:

1. The arrestee's name (if 18 years of age or older), age, gender, residence (hundred block), employment (if relevant), and other biographical information.
2. The specific criminal charge or charges. The identities of the investigating and arresting agencies and the length of the investigation. The circumstances immediately surrounding an arrest, including the time and place, resistance, pursuit, use of weapons and nature of any injuries sustained, if known. A general description of any physical evidence seized at the time of the arrest unless release of such description would hinder the investigation. If there is a dispute on whether releasing a general description of any physical evidence is a hindrance to an investigation, the Chief of Police will be notified for a final determination on whether to release said information.
3. The general type of weapon used, if known, and the general nature of any injuries sustained, unless release of that information is protected by privacy rights, federal law, Departmental regulation or policy, or the release of such information would hinder the investigation.
4. In the case of juvenile offenders, age, gender, and general area of residence only.
5. In accordance with Va. Code Ann. § 19.2-11.2; Crime victim's right to nondisclosure of certain information, only the information that does not directly or indirectly identify the victims of sexual assaults, sex offenses, and family abuse offenses, or in the event of the death of a juvenile that was the result of the commission of a crime may be released, except to the extent that disclosure is (a) of the site of the crime, (b) required by law, (c) necessary for law-enforcement purposes, or (d) permitted by the court for good cause. However, if there is written consent from the victim of such crimes or the next of kin in cases of juvenile deaths resulting from the commission of a crime, more detailed information may be released. The investigative entity will be responsible for obtaining written consent.

(See General Order 402.5, Information, Records and Documents Prohibited from Public Release for further information.)

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS	NUMBER: 402.2
	TOPIC: RELEASE OF INFORMATION	

G. The Chief of Police will have the final decision on what crime-related and/or department-related information is released while within established law and striving to meet the goal of disclosing as much information as possible, as soon as possible.

H. Provided the information does not conflict with General Order 402.5, Information, Records and Documents Prohibited from Public Release, the following non-crime related information may be released:


1. With the review and approval of the Chief of Police, organizational changes, policy changes, or major personnel changes once the information has been released to the Department's employees.
2. Human interest stories concerning the Department or the Department's personnel.
3. Crashes, natural disasters, other calamities, or other public interest events with updates as appropriate.

I. Prior to disclosing information about a warrant, the Warrant Desk should be consulted to determine whether there are any disclosure restrictions placed on the warrant.

J. When the Police Liaison Commander (PLC) receives inquiries, typically from traditional media outlets, the PLC is encouraged to speak broadly and not provide specific facts about an on-going incident. The PLC should provide incident information including the date, time, general location, and a general summary once the incident information is vetted through the incident commander or on-scene supervisor. Any inquiries for more detailed incident information or requesting interviews shall be forwarded to the on-call MRB personnel.


II. RELEASE OF INFORMATION FOR DEADLY FORCE AGAINST A PERSON OR POLICE-AFFILIATED CRITICAL INCIDENTS

A. The core principles of openness and transparency, coupled with a predisposition to disclose information in a timely manner, are particularly crucial for the Department to embrace after a police-affiliated critical incident or use of deadly force against a person.


<p>FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p>GENERAL ORDER</p>	<p>SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS</p>	<p>NUMBER: 402.2</p>
	<p>TOPIC: RELEASE OF INFORMATION</p>	

B. Public trust is paramount both to the department's mission and to promote support and respect from the community. Police officers are entrusted with unique powers and authorities, to include, the power of arrest and the authority to use deadly force to protect themselves or others from death or serious injury. In turn, the department has a responsibility and duty to be transparent and to keep the community informed. In all cases involving the deployment of deadly force against a person or a Police-Affiliated Critical Incident (PACI), the MRB, in coordination with the Chief of Police, will provide information to the media as soon as practical in order to be transparent to the community.


1. At a minimum, the initial release of information will include basic descriptors of the involved officer(s), such as tenure and divisional assignment, in addition to the best available information about the facts and circumstances of the event. Such informational releases will caution that PACIs are complex and fluid incidents and that information may be supplemented and/or corrected as the investigation proceeds. The Chief of Police, or their designee, will provide a statement to the community, leveraging all media resources, with transparency as a guiding principle to achieve the goal of maximum disclosure while balancing the safety of all involved and the integrity of all investigations.
2. The Chief of Police shall, within ten (10) days of a deployment of deadly force or a PACI, release the name, rank, assignment and tenure of the directly-involved officer and their current duty status. Any directly involved officer's name shall only be released upon the approval of the Chief of Police. However, prior to the release of the directly involved officer's name, a risk assessment shall be conducted to determine if any credible risk exists to the officer and/or the officer's family.
 - a. The Criminal Intelligence Division (CID) shall be responsible for conducting the risk assessment. At a minimum, the risk assessment shall include open-source internet information and social media reviews of the officer and immediate family members, prior to releasing the officer's name. If a directly involved officer's name is released or withheld, there will be continual reviews of potential risks to the officer and immediate family. The CID Commander shall immediately notify the Chief of Police of any risks to the officer or immediate family that are identified prior to releasing the officer's name, after the name release, or after the name is withheld. A risk-mitigation plan will be implemented in cases where a credible risk is identified.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS	NUMBER: 402.2
	TOPIC: RELEASE OF INFORMATION	

- b. If the Chief of Police has determined a credible risk to the officer's safety and/or the safety of family cannot be fully investigated or mitigated within the ten days and additional time is needed, the Chief of police shall inform the Board of Supervisors in writing, through the Chairman of the Board and the Chair of the Board's Public Safety Committee, of the decision not to release the information or to delay the release of information, and his reasons therefore.
 - c. Employee names will not be released until the Chief of Police determines the initial review of all available information, including the completion of an appropriate risk assessment to provide for the welfare of the involved officer and their family, as defined in SOP 12-045, has been satisfactorily completed and the Chief of Police and MRB staff have met with the affected employees.
 - d. Prior to releasing the directly involved officer's name, Incident Support Services will ensure that appropriate measures have been taken to provide for the welfare of the directly involved officer and their family.
 - e. When applicable, and with the officer's permission, the affected officer's commander shall coordinate with the Criminal Investigations Division (CID) to work with or notify the primary law enforcement agency of the locality where the officer resides for its awareness and support.
 - f. The Chief of Police shall also inform the community that the name release is pending final review and risk mitigation through the risk assessment process if the name is not expected to be released within the prescribed ten days.
 - g. The Board of Supervisors may review the Chief of Police's decision at the next regularly scheduled meeting of the Board, in a closed session as appropriate, and the Board may decide to direct the Chief of Police to release the name(s) of the officer(s) to the public. It is important to note the ten-day period is primarily related to the release of officer names and is only designed as a limit to not be exceeded without cause, not a recommended standard. The Board and the community expect the department to release other appropriate preliminary factual information and updates to the community as soon as possible.
3. In fulfilling the goal of full disclosure to the community, MRB will provide updates to the community as new information becomes available.

<p>FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p>GENERAL ORDER</p>	<p>SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS</p>	<p>NUMBER: 402.2</p>
	<p>TOPIC: RELEASE OF INFORMATION</p>	

4. The Chief of Police may release to the community any videos, audio recordings, or photographs that capture a deadly force deployment or PACI when their release will no longer compromise a criminal or administrative investigation. The Chief of Police shall make all determinations regarding the release of any such recordings. Prior to releasing any video or audio recordings to the community, any directly involved officers and/or law enforcement witnesses to the incident shall be provided the opportunity to view or listen to these recordings, as applicable. The MRB and ISS shall coordinate this review with the officer(s).


<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	<p>SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS</p>		<p>NUMBER: 402.3</p>
	<p>EFFECTIVE DATE: May 3, 2018</p>	<p>REVIEW: April 2022</p>	
	<p>TOPIC: RELEASE OF RECORDS AND DOCUMENTS</p>		
<p>RESPONSIBLE ENTITY: MEDIA RELATIONS BUREAU</p>			
<p>ACCREDITATION STANDARDS</p>	<p>CALEA: 82.1.1, 82.1.7</p>		<p><input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: GO 401.1 <input type="checkbox"/> Revised</p>
	<p>VLEPSC: ADM.22.01, ADM.25.03</p>		

I. RELEASE OF RECORDS AND DOCUMENTS

- A. The Chief of Police may, at their discretion and within established law, release any Fairfax County Police Department records and documents to include, but not limited to, incident reports, video recordings, or audio recordings.
- B. The Chief of Police may be directed by the Board of Supervisors to release certain Fairfax County Police Department records and documents. In those instances, the Chief of Police will release those records and documents as ordered and within established law.
- C. The Media Relations Bureau (MRB) is the primary entity responsible for releasing any records and documents related to deadly force against a person incident, a Police Affiliated Critical Incident, or other newsworthy events.
- D. The Internal Affairs Bureau, in conjunction with the MRB (if needed), will be responsible for releasing those records and documents specifically required pursuant to a valid court order.
- E. In accordance with Fairfax County policy, any written information, poster, or other material prepared for public release must be forwarded to the MRB for review and approval.

II. RELEASE OF CRASH REPORTS

- A. The Fairfax County Police Department is not the custodian of Traffic Records Electronic Data System (TREDS) reportable crash reports. The completed reports are the custody of the Virginia Department of Motor Vehicles. As


<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	<p>SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS</p>	<p>NUMBER: 402.3</p>
	<p>TOPIC: RELEASE OF RECORDS AND DOCUMENTS</p>	

such, any individual seeking a copy of a TREDs reportable accident report shall be directed to the nearest Department of Motor Vehicles.


- B. The Fairfax County Police Department's Central Records will be responsible for the release of all previous reportable crash reports in the current Records Management System. The release of I/Leads reportable crash reports is governed by Fairfax County Code § 82-8-7 (Use of accident reports made by investigating officers), and Va. Code Ann. § 46.2-380 (Reports made under certain section open to inspection by certain persons), and § 46.2-381 (Accident reports required by county or municipal ordinance; copies).
- C. The Fairfax County Police Department's Central Records will be responsible for the release of all non-reportable crash incident reports in the current Records Management System.
- D. Photographs documenting the crash will be released in accordance with Fairfax County Code § 82-8-7 (Use of accident reports made by investigating officers) and Va. Code Ann. § 46.2-380 (Reports made under certain section open to inspection by certain persons), except that any crash photograph depicting a deceased individual will not be released (excluding law enforcement or criminal justice purposes, or as required by a court order).

III. RELEASE OF POLICE INCIDENT REPORTS AND PHOTOGRAPHS/VIDEOS

- A. Any individual or entity, unless listed in Section B, requesting a Fairfax County Police Department incident report shall be immediately forwarded or referred to the Media Relations Bureau's Virginia Freedom of Information Act Compliance Section (FCPDFOIA@fairfaxcounty.gov) for proper processing.
- B. The release of incident reports to employees of the following entities are permissible for law enforcement purposes, unless otherwise prohibited by law:
 - 1. Fairfax County Commonwealth's Attorneys' Office.
 - 2. Magistrate's Office.
 - 3. Fairfax County Juvenile Intake when there is a pending case under Intake's purview. This includes the Alternative Accountability Program.


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS	NUMBER: 402.3
	TOPIC: RELEASE OF RECORDS AND DOCUMENTS	

4. Office of the Medical Examiner which has assumed jurisdiction in a death investigation.
 5. Fairfax County Fire Department's Fire Marshal for reports documenting arson, suspected arson, or hoarding.
 6. Child Protective Services for reports documenting the abuse or neglect of a child.
 7. Fairfax County Adult Protective Services for reports documenting the abuse or neglect of an adult.
 8. Fairfax County Attorney's office.
 9. Fairfax County's Risk Management.
 10. Federal prosecutors.
 11. Other law enforcement agencies when actively assisting those agencies in their investigations.
- C. For public safety purposes, an incident report documenting code violations or hoarding instances may be released to the Fairfax County Department of Code Compliance.
- D. Any request for an incident report from Adult Probation and Parole or Juvenile Probation and Parole shall be immediately forwarded to the MRB's Virginia Freedom of Information Act Compliance Section (FCPDFOIA@fairfaxcounty.gov) for proper processing.
- E. If any Department employee is unsure whether to release an incident report, the employee should, immediately, either contact the MRB's Virginia Freedom of Information Act Compliance Section for guidance or forward the request to the MRB's Virginia Freedom of Information Act Compliance Section (FCPDFOIA@fairfaxcounty.gov) for proper processing.
- F. In accordance with Va. Code Ann. § 19.2-81.3, Section D (Arrest without a warrant authorized in cases of assault and battery against a family member), upon request of the allegedly abused person or person protected by a

<p>FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p>GENERAL ORDER</p>	<p>SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS</p>	<p>NUMBER: 402.3</p>
	<p>TOPIC: RELEASE OF RECORDS AND DOCUMENTS</p>	


protective order, the Fairfax County Police Department's Central Records will be responsible for, at a minimum, providing an incident summary to the alleged abused person or the person subject to the protective order.

- G. In accordance with Va. Code Ann. § 2.2-3706(A)(1)(b), adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure must be released, pursuant to a valid Virginia Freedom of Information Act request, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation. Any request for an adult arrestee photograph should be referred to the MRB or MRB's Virginia Freedom of Information Act Compliance Section (FCPDFOIA@fairfaxcounty.gov). MRB is usually responsible for releasing these photographs.
- H. Criminal investigative photographs and/or videos may be publicly released by MRB in coordination with the responsible investigative entity, in accordance with General Order 402.5, Information, Records and Documents Prohibited from Public Release.
- I. Criminal investigative photographs and/or videos may be released by the investigative entity for law enforcement purposes.
- J. Criminal investigative photographs and/or videos will be released by the Internal Affairs Bureau, in conjunction with the MRB (if needed), pursuant to a valid court order.

<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS		NUMBER: 402.4
	EFFECTIVE DATE: May 3, 2018	REVIEW: April 2022	
	TOPIC: VIRGINIA FREEDOM OF INFORMATION ACT		
RESPONSIBLE ENTITY: MEDIA RELATIONS BUREAU			
ACCREDITATION STANDARDS	CALEA: 82.1.1		<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: GO 401.1 <input type="checkbox"/> Revised
	VLEPSC: ADM.22.01, ADM.22.03, ADM.25.03		

I. VIRGINIA FREEDOM OF INFORMATION ACT


- A. The Virginia Freedom of Information Act (VFOIA) provides citizens of the Commonwealth of Virginia, and the representatives of media that circulate or broadcast into the Commonwealth, the right to access public records in the custody of the Fairfax County Police Department, or its officers and employees. As such, Department employees should refrain from using personal applications or software, such as personal email accounts or text messages on personal communication devices, to communicate Department or County business, because those communications are subject to both VFOIA and the Virginia Library Retention Schedules.
- B. The Media Relations Bureau Virginia Freedom of Information Act Compliance Section is responsible for processing all VFOIA requests.
- C. Any request for Fairfax County Police Department's records and documents is a VFOIA request and must be processed in accordance with the Code of Virginia. To invoke the Department's compliance with VFOIA, the requestor does not have to cite VFOIA in their request, nor do they have to make the request in writing. Any request for the Department's public records and documents can be made via email (FCPDFOIA@fairfaxcounty.gov), in person, by phone, by mail, by fax, or in any other manner where a request can be made.
- D. All VFOIA requests will be processed in accordance with Va. Code Ann. § 2.2-3700 through 2.2-3714, with the [Fairfax County Procedural Memorandum No. 13-06 \(Countywide Virginia Freedom of Information Act Policy\)](#), and in coordination with the Fairfax County Office of Public Affairs' Freedom of Information Act Officer.

<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS		NUMBER: 402.5
	EFFECTIVE DATE: May 3, 2018	REVIEW: April 2022	
	TOPIC: INFORMATION, RECORDS AND DOCUMENTS PROHIBITED FROM PUBLIC RELEASE		
RESPONSIBLE ENTITY: MEDIA RELATIONS BUREAU			
ACCREDITATION STANDARDS	CALEA: 54.1.1, 82.1.1, 82.1.7		<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: GO 401.1 <input type="checkbox"/> Revised
	VLEPSC: ADM.22.01, ADM.22.03, ADM.25.03		


I. INFORMATION, RECORDS AND DOCUMENTS PROHIBITED FROM PUBLIC RELEASE

A. The following information shall not be released without authorization from the Chief of Police:

1. Information which may jeopardize the success of an investigation.
2. Information which discloses the identity of, or could lead to the identification of, a confidential source.
3. Information related to the character, reputation or prior criminal record of an arrested person or a prospective witness, or any opinion as to the guilt or innocence of the accused.
4. Information about the existence or contents of any admissions, confessions or statements attributable to an accused person, or the fact the accused person failed to make a statement.
5. Information about the accused's performance or results of any examinations or tests, the refusal of the accused to take any examinations or tests, or the accused's participation or refusal to participate in a lineup.
6. Information containing the identity, address, credibility or anticipated testimony of prospective witnesses.
7. Information about the possibility of a guilty plea to the offense charged or to a lesser offense, or any other disposition.
8. Information containing opinions concerning any evidence or any prosecutorial strategy, including whether certain evidence might or might not be used at trial.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS	NUMBER: 402.5
	TOPIC: INFORMATION, RECORDS AND DOCUMENTS PROHIBITED FROM PUBLIC RELEASE	

9. Information about a grand jury proceeding or grand jury subpoena.
 10. Information containing the name, address and current location of any victims of a criminal offense; however, the names of adult homicide victims may be released.
 11. Information containing the identity of a person charged with a crime but who has not yet been arrested, unless public assistance is sought to locate the individual, or to warn the public of any dangers the individual may present.
 12. Information containing the names, addresses or other information which would lead to the specific identity of juvenile offenders.
 13. Information containing the amount of money taken in any robbery.
 14. Information containing the names or other personal information which would lead to the identity of persons who have attempted to commit suicide. The names of individuals who have committed suicide will generally not be released unless circumstances are exceptional and authorized by the Chief of Police; however, information confirming that a suicide has occurred may be released.
- B. No criminal history information shall be released unless the information release is in accordance with Va. Code Ann. § 19.2-389 (Dissemination of criminal history record information). If the suspect is a juvenile, that release shall be in compliance with Va. Code Ann. § 16.1-301 (Confidentiality of juvenile law-enforcement records).
- C. In accordance with Va. Code Ann. § 2.2-3706 (Disclosure of criminal records; limitations), the identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.
- D. In accordance with Va. Code Ann. § 19.2-11.2 (Crime victim's right to nondisclosure of certain information):
1. Upon request of any witness in a criminal prosecution under Va. Code Ann. § 18.2-46.2 (Street gang participation), Va. Code Ann. § 18.2-46.3 (Recruitment of person for criminal street gangs), or Va. Code Ann. § 18.2-248 (Possessing with the intent to sell a controlled substance) or of


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS	NUMBER: 402.5
	TOPIC: INFORMATION, RECORDS AND DOCUMENTS PROHIBITED FROM PUBLIC RELEASE	

any violent felony as defined by subsection C of Va. Code Ann. § 17.1-805 (Adoption of initial discretionary sentencing guideline midpoints), or any crime victim, neither a law-enforcement agency, the attorney for the Commonwealth, the counsel for a defendant, a court nor the Department of Corrections, nor any employee of any of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the witness or victim or a member of the witness' or victim's family, except to the extent that disclosure is (i) of the site of the crime, (ii) required by law, (iii) necessary for law-enforcement purposes or preparation for court proceedings, or (iv) permitted by the court for good cause.

2. Except with the written consent of the victim of any crime involving any sexual assault, sexual abuse, or family abuse or the victim's next of kin if the victim is a minor and the victim's death results from any crime, a law enforcement agency may not disclose to the public information that directly or indirectly identifies the victim of such crime, except to the extent that disclosure is (a) of the site of the crime, (b) required by law, (c) necessary for law-enforcement purposes, or (d) permitted by the court for good cause.

- E. In accordance with Va. Code Ann. § 16.1-301 (Confidentiality of juvenile law-enforcement record), the Fairfax County Police Department shall take special precautions to ensure that law-enforcement records concerning a juvenile are protected against disclosure to any unauthorized person. Such records with respect to such juvenile shall not be open to public inspection nor their contents disclosed to the public unless a juvenile 14 years of age or older is charged with a violent juvenile felony as specified in subsections B and C of Va. Code Ann. § 16.1-269.1 (Trial in circuit court; preliminary hearing; direct indictment; remand).

Notwithstanding any other provision of law, the Chief of Police or designee may disclose, for the protection of the juvenile, his fellow students and school personnel, to the school principal that a juvenile is a suspect in or has been charged with (i) a violent juvenile felony, as specified in subsections B and C of § 16.1-269.1; (ii) a violation of any of the provisions of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; or (iii) a violation of law involving any weapon as described in subsection A of § 18.2-308. (See Va. Code Ann. § 16.1-301 for further).

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS	NUMBER: 402.5
	TOPIC: INFORMATION, RECORDS AND DOCUMENTS PROHIBITED FROM PUBLIC RELEASE	

F. The Fairfax County Police Department cannot publicly release any records and documents that the Department is not custodian of, such as:

1. Autopsy reports (Va. Code Ann. § 32.1-283; Investigation of deaths)
2. Child Protective Services' reports (Va. Code Ann. § 63.2-105; Confidential records and information concerning social services)
3. Adult Protective Services' reports (Va. Code Ann. § 51.5-122; Confidential records and information concerning adult services and adult protective services)
4. Department of Motor Vehicles' records (Va. Code Ann § 46.2-208; Records of the Department, release of privileged information).
5. Documents obtained from databases not controlled by the Fairfax County Police Department


G. The Fairfax County Police Department cannot publicly release any information, records and documents containing:

1. Health care records (Va. Code Ann. § 32.1-127.1:03; Health records privacy)
2. Financial records (Va. Code Ann. § 19.2-10.1; Subpoena *duces tecum* for obtaining records concerning banking and credit cards)
3. The first five digits of a social security number (Va. Code Ann. § 2.2-3815; Access to social security numbers prohibited).

H. No information, records and documents under court seal may be released.


I. The Department's employees' personal information shall not be released to the public, except as otherwise provided by Department policy or law.

J. Criminal Investigation photographs depicting a deceased individual will not be released except to law enforcement personnel for criminal justice purposes or by court order.

<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	<p>SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS</p>		<p>NUMBER: 402.6</p>	
	<p>EFFECTIVE DATE: May 3, 2018</p>	<p>REVIEW: April 2022</p>		
	<p>TOPIC: LEGAL REFERENCES</p>			
<p>RESPONSIBLE ENTITY: MEDIA RELATIONS BUREAU</p>				
<p>ACCREDITATION STANDARDS</p>	<p>CALEA: 54.1.1, 82.1.7</p>		<p><input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: GO 401.1 <input type="checkbox"/> Revised</p>	
	<p>VLEPSC: NOT APPLICABLE</p>			

I. LEGAL REFERENCES

- A. Va. Code Ann. § 2.2-3700, et. al.; the Virginia Freedom of Information Act.
- B. Va. Code Ann. § 2.2-3815; Access to social security numbers prohibited; exceptions.
- C. Va. Code Ann. § 16.1-269.1; Trial in circuit court; preliminary hearings; direct indictment; remand.
- D. Va. Code Ann. § 16.1-301; Confidentiality of juvenile law-enforcement records; disclosures to school principal and others.
- E. Va. Code Ann. § 17.1-805; Adoption of initial discretionary sentencing guideline midpoints.
- F. Va. Code Ann. § 19.2-10.1; Subpoena *duces tecum* for obtaining records concerning banking and credit cards.
- G. Va. Code Ann. § 19.2-11.2; Crime victim's right to nondisclosure of certain information; exceptions; testimonial privilege.
- H. Va. Code Ann. § 19.2-81.3; Arrest without a warrant authorized in cases of assault and battery against family or household member and stalking and for violations of protective orders; procedures, etc..
- I. Va. Code Ann. § 19.2-389; Dissemination of criminal history record information.
- J. Va. Code Ann. § 32.1-127.1:03; Health records privacy.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: RELEASE OF INFORMATION, RECORDS AND DOCUMENTS	NUMBER: 402.6
	TOPIC: LEGAL REFERENCES	

- K. Va. Code Ann. § 32.1-283; Investigations of deaths; obtaining consent to removal of organs, etc.; fees.
- L. Va. Code Ann. § 46.2-208; Records of Department; when open for inspection; release of privileged information.
- M. Va. Code Ann. § 46.2-380; Reports made under certain sections open to inspection by certain persons; copies; maintenance of reports and photographs for three-year period.
- N. Va. Code Ann. § 46.2-381; Accident reports required by county or municipal ordinances; copies.
- O. Va. Code Ann. § 51.5-122; Confidential records and information concerning adult services and adult protective services; penalty.
- P. Va. Code Ann. § 63.2-105; Confidential records and information concerning social services; child-protective services and child-placing agencies.
- Q. Fairfax County Code Section 82-8-7; Use of accident reports made by investigating officers.

General Orders 402.0 through 402.6 become effective on May 3, 2018 and rescind all previous rules and regulations pertaining to the subjects.

ISSUED BY:



Chief of Police

APPROVED BY:



County Executive